

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**SCOTT BREGENZER,**

**Plaintiff,**

**v.**

**HUNTER'S VIEW LTD., and WAL-  
MART STORES, INC.,**

**Defendants.**

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**Cause No. 07-CV-149-WDS**

**MEMORANDUM & ORDER**

**STIEHL, District Judge:**

Before the Court is plaintiff's motion to remand (Doc. 4) to which defendant Wal-Mart has filed a response, indicating that it has no objection to the remand. It appears that counsel for plaintiff has indicated to defendant Wal-Mart that if remanded, plaintiff intends to seek voluntary dismissal of Wal-Mart in the state court (See Doc. 7). The Court notes that defendant Hunter's View has not joined in the removal of the action filed by Wal-Mart.

Upon review of the record, the Court **GRANTS** plaintiff's motion to remand and this case is **REMANDED** to the Circuit Court for the Third Judicial Circuit, Madison County, Illinois for lack of jurisdiction. Plaintiff's motion to withdraw his motion for voluntary dismissal is **DENIED** as moot.<sup>1</sup>

**IT IS SO ORDERED.**

**DATED: April 18, 2007.**

**s/ WILLIAM D. STIEHL**  
**DISTRICT JUDGE**

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<sup>1</sup>The Court notes that the underlying motion for voluntary dismissal was actually filed in the State Court, not in this removed action. However, in light of the remand, the motion is rendered moot.